HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1106 of 2005 (SS)

Prayag Dutt s/o Sri Jivanand Upreti,
Village Pitoli, District Almora ..... Petitioner

Versus

1. State of Uttaranchal through Secretary Personnel & Administration, Civil Secretariat, Dehradun
2. Director, Administrative Training Institute, Nainital
3. Deputy Director, Administrative Training Institute, Nainital ..... Respondents

Sri Ashish Joshi, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 11.7.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Ashish Joshi, Advocate counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to appoint the petitioner on the post of class IV employee in the Administrative Training Institute, Nainital.

Briefly stated according to the petitioner he was appointed as daily wages employee in the office of the respondent no. 2 in the month of July 1997. The service of the petitioner was extended form time to time as daily wages employee. The petitioner has filed certificates issued by various authorities of the Institution in which he work and conduct has been shown excellent. The petitioner has submitted that he service in the office of the respondent no. 2 till September 2003

but his service was orally terminated by the respondent no. 2. The petitioner has submitted that he has made several representations to the respondent for taking him to the service but the respondents did not pay any heed to the request of the petitioner.

The respondents have filed a counter affidavit and have submitted that the petitioner was working on daily wages in the project named 'Samudayik Sahbhagita Gender Evam Panchayati Raj' being conducted under the Centre for Development Studies, which is an autonomous institution registered under the Societies registration act, 1807. When the above-named project ended the petitioner could not be given any work, as there was no activity in the project.

On 21.12.2005 this Court has passed by the following order:

"*Heard Sri Ashish Joshi learned counsel for the petitioner and Sri Rajeev S. Bisht, Advocate for the respondents.*

Counsel for the petitioner has submitted that the petitioner was working in the Administrative Training Institute for about 8 years. The posts of Class IV employees have been advertised by the A.T.I. without considering the claim of the petitioner to be appointed as Class IV employee in the A.T.I.

Counsel for the petitioner has also submitted that the petitioner is fully qualified to be appointed as class IV employee.

Considering all these facts, the respondents are directed to consider the claim of the petitioner prior to making selection on the vacant posts of class IV employees."

The writ petition is decided in terms of the interim order dated 21.12.2005. A writ of mandamus is issued directing the respondents to consider the petitioner for his selection on class IV posts against the vacant posts in the respondent institution and give him preference against other candidates considering his earlier experience.

Accordingly, the writ petition is allowed. No order as to costs.

Dated: 11.7.2006 **Rajesh Tandon, J.**

*Dhyani